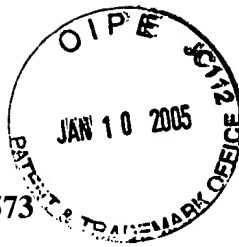COMMISSIONER FOR PATENTS
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IBM DOCKET NO. AUS920000484US1

DATE: January 4, 2005

Application Serial No.: 09/704,573

Sir:

Assignee Name: International Business Machines Corporation
Assignee Residence: Armonk, New York

Transmitted herewith for filing is the Patent Application of:

Inventors: Rodriguez, et al.
For: System and Method for Updating User Home Automation Systems

Enclosed are:

_X_   Appeal Brief (22 pages).

Any additional filing fees have been calculated as shown below:

_X_   Please charge my Deposit Account No. 09-0447 in the amount of $330.00. A
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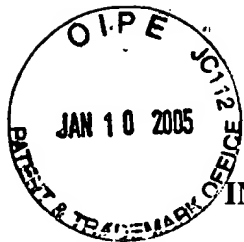

Respectfully submitted,

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Atty Ref. No. IBM-0032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§ Group Art Unit: 3629
Rodriguez et al.	§
	§ Examiner: Borissov, Igor N.
Serial No.: 09/704,573	§
	§ Attorney Docket No. AUS920000484US1
	§
Filed: November 3, 2000	§
	§ IBM Corporation
Title: System and Method for Updating	§ Intellectual Property Law Dept.
User Home Automation Systems	§ 11400 Burnet Road
	§ Austin, Texas 78758
	§

Certificate of Mailing Under C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Patent Office as First Class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 4, 2005.

By: _____   _____
       Leslie A. Van Leeuwen   Date

APPELLANTS' BRIEF (37 CFR § 41.37)

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A. INTRODUCTORY COMMENTS

This brief is filed in support of the previously filed Notice of Appeal, filed in this case on November 9, 2004, which appealed from the decision of the Examiner dated August 9, 2004 finally rejecting claims 6-9, 11-13, 18-20, and 25-38. Please charge the required fee under 37 CFR § 41.20(b)(2) to IBM Corporation Deposit Account No. 09-0447.

No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and the undersigned hereby authorizes the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

B. REAL PARTY IN INTEREST

The real party in interest in this appeal is International Business Machines Corporation, which is the assignee of the entire right, title, and interest in the above-identified patent application.

C. RELATED APPEALS AND INTERFERENCES

With respect to other prior or pending appeals, interferences, or judicial proceedings that are related to, will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such prior or pending appeals, interferences, or judicial proceeding known to Appellants, Appellants' legal representative, or assignee.

D. STATUS OF CLAIMS

1. Total number of claims in application

There are 24 claims pending. Four claims are independent claims (6, 11, 18, and 38), and the remaining claims are dependent claims.

2. Status of all claims in application

- Claims canceled: 1-5, 10, 14-17, and 21-24
- Claims withdrawn from consideration but not canceled: None
- Claims pending: 6-9, 11-13, 18-20, and 25-38
- Claims allowed: None
- Claims rejected: 6-9, 11-13, 18-20, and 25-38

3. Claims on appeal

The claims on appeal are: 6-9, 11-13, 18-20, and 25-38. Note that the final Office Action Summary states that claims 6-9, 11-13, 18-20, and 25-*37* are rejected, however, on page 2 of the final Office Action, the Examiner rejects claims 6-8, 11-13, 18-20, and 25-*38*.

E. STATUS OF AMENDMENTS

All amendments have been entered in this case. No amendments have been made to the claims after the Final Office Action.

F. SUMMARY OF CLAIMED SUBJECT MATTER

Appellants provide a concise summary of the claimed subject matter as follows. Claims 6, 11, 18, and 38 are independent claims. Note that claims 6-9, 25-29, and 38 are method claims, claims 11-13 and 30-33 are information handling system claims, and claims 18-20 and 34-37 are computer program product claims. Independent claims 11 and 18 include means plus function limitations that correspond to the method steps set forth in independent claim 6. An information handling system capable of implementing Appellants' invention, as claimed in independent claim 11, is shown in Figures 15 and 21, and described in Appellants' specification on page 48, line 3 through page 51, line 9, and page 59, line 16 through page 60, line 29. Support for independent computer program product claim 18 is described in Appellants' specification on page 61, lines 1-18. In addition, support for each of the method steps and means plus function limitations of the independent claims are discussed below. The specific citations to Appellants' Figures and Specification are meant to be exemplary in nature, and do not limit the scope of the claims In particular, the citations below do not limit the scope of equivalents as provided under 35 U.S.C. § 112, sixth paragraph.

The claimed invention is a method, information handling system, and computer program product that registers a home automation system with an email computer system, the registration including a network address corresponding to the home automation system (see e.g., Figure 11, elements 1105, 1110, 1115, and 1120; page 35, line 26 through page 38, line 18), stores the home automation system's network address on a storage device accessible from the email computer system, the storing performed in response to the registering (see e.g., Figure 11, element 1125; page 35, line 26 through page 38, line 18), schedules the travel plans using a travel agent computer system (see e.g., Figure 5, elements 500, 505, 510, and 515; page 26, line 3 through page 27, line 30), receives the scheduled travel plans at the email computer system (see e.g., Figure 11, elements 1145 and 1155; page 35, line 26 through page 38, line 18), retrieves the home automation system's network address from the storage location in response to

the received travel plan message (see e.g., Figure 11, elements 1160 and 1170; page 35, line 26 through page 38, line 18), and sends a home automation message from the email computer system to the home automation system network address, the home automation message resulting in an automated response performed by the home automation system (see e.g., Figure 11, elements 1170, 1172, 1174, 1176, 1178, 1180, and 1188; page 35, line 26 through page 38, line 18).

In another aspect, the claimed invention is a method that registers a home automation system with an email system, the registering including a network address that corresponds to the home automation system (see e.g., Figure 11, elements 1105, 1110, 1115, and 1120; page 35, line 26 through page 38, line 18), receives, from a user, a travel request at a travel agent computer system (see e.g., Figure 5, elements 500, 505, 510, and 515; page 26, line 3 through page 27, line 30), creates a travel plan at the travel agent computer system based upon the travel request (see e.g., Figure 6, elements 600, 630, 635, and 640; page 28, line 1 through page 30, line 19), sends the travel plan from the travel agent computer system to the email system through a computer network (see e.g., Figure 11, element 1145; page 35, line 26 through page 38, line 18), receives the travel plan at the email system (see e.g., Figure 11, elements 1145 and 1155; page 35, line 26 through page 38, line 18), sends a notification to the home automation system using the home automation system's network address using the computer network (see e.g., Figure 11, element 1170; page 35, line 26 through page 38, line 18), receives, at the home automation system, the notification from the email system (see e.g., Figure 11, element 1172; page 35, line 26 through page 38, line 18), and performs an action at the home automation system, wherein the action is selected from the group consisting of activating the home automation system and deactivating the home automation system (see e.g., Figure 11, elements 1174, 1176, 1178, 1180, 1186, and 1188; page 35, line 26 through page 38, line 18).

G. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 6-9, 11-13, 18-20, and 25-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharood et al., U.S. Patent No. 6,453,687 (hereinafter Sharood), in view of Weinstein et al., U.S. Patent No. 6,650,635 (hereinafter Weinstein), and further in view of Nelson, U.S. Patent No. 6,496,568 (hereinafter Nelson).

H. ARGUMENTS - CLAIMS 6-9, 11-13, 18-20, AND 25-38 ARE PATENTABLE OVER SHAROOD IN VIEW OF WEINSTEIN AND FURTHER IN VIEW OF NELSON

There Is No Motivation To Combine Sharood, Weinstein, and Nelson

MPEP § 706.02(j) states, inter alia:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

MPEP § 2143.01 states, inter alia (emphasis added):

"There are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." *In re Rouffet,* 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998) (The combination of the references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a *prima facie* case of obvious was held improper.). The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.,* 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999).

"In determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." *In re Linter,* 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in

the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab,* 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also *In re Lee,* 277 F.3d 1338, 1342-44, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002) (discussing the importance of relying on objective evidence and making specific factual findings with respect to the motivation to combine references); *In re Fine,* 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones,* 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

. . .

FACT THAT REFERENCES CAN BE COMBINED OR MODIFIED IS NOT SUFFICIENT TO ESTABLISH *PRIMA FACIE* OBVIOUSNESS

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills,* 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (Claims were directed to an apparatus for producing an aerated cementitious composition by drawing air into the cementitious composition by driving the output pump at a capacity greater than the feed rate. The prior art reference taught that the feed means can be run at a variable speed, however the court found that this does not require that the output pump be run at the claimed speed so that air is drawn into the mixing chamber and is entrained in the ingredients during operation. Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch,* 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references).

Regarding the three references used by the Examiner to support the final rejection, Sharood discloses a refrigeration monitor unit that includes circuitry and sensors to monitor a refrigeration appliance that, among other things, helps determine when food spoilage will occur (col. 1, lines 51-67). As noted by the Examiner (see final Office Action, page 5, lines 1-3), Sharood discloses that appliances may be operated in a number of modes, such as a sleep mode or a vaction mode (col. 4, lines 54-62). While in vacation mode, the system may monitor appliances for "unnatural activity" (col. 16, lines 60-63).

Weinstein is a network telephone communication patent that is directed towards "voice communication over a network" that includes a telephone, a data network, a device coupled to the data network, and a routine that controls communication of voice data between the telephone and the data network (col. 1, lines 45-57). The portion of Weinstein cited by the Examiner (see final Office Action, page 5, lines 4-8, where the Examiner cites col. 9, lines 35-45), merely discloses how the Homewires application handles outgoing phone calls (col. 8, line 66 through

col. 9, line 1). Figures 23A and 23B of Weinstein specifically address using the Homewires system to place outgoing phone calls. Figure 23B, in particular, discusses placing a phone call using the Homewires system in order to connect to a target system (col. 9, lines 42-44), If the connection to the targeted system is successfully established, control of the call is passed to the network phone call application 56 (col. 9, line 48-50).

Finally, Nelson discloses notifying subscribers of a customer message manager notification system when particular real-time data has changed (see abstract). As noted by the Examiner (see final Office Action, page 5, lines 9-11), this notification may include notifying airline customers of changes in airline information which may affect their travel plans (col. 1, lines 35-40). The notification occurs using standard communications devices, such as pagers, two-way pagers, cellular telephones, and mobile computers (col. 1, lines 40-44).

The three references cited in the final Office Action in support of the rejection of Appellants' claims have little to do with one another. The Examiner provides absolutely no showing of how one of ordinary skill in the art would be motivated to combine these three references. Sharood discloses monitoring a refrigerator, along with other appliances. In particular, Sharood discloses monitoring appliances for "unnatural" behavior while the system is in "vacation mode." Weinstein discloses a system where users can send voice requests over a telephone network to, for example, turn off lights or close the garage door. Nelson discloses notifying subscribers, i.e. people who have signed up for a subscription service, of information in which they may be interested and/or have signed up to receive. The notification is performed using standard communications devices.

Appellants would like to also point out that combining the references cited by the Examiner would either disable or render the teachings of the prior art references inoperative or impaired. Combining the teachings of Sharood with Weinstein, for example, would add voice communication ability to a refrigeration monitoring apparatus. Appellants can not imagine what such resulting apparatus would resemble or why anyone would attempt such combination. The Examiner does not set forth any plausible reason of why such a combination would be sought, other than to suggest that such a combination would "generate revenue" (see final Office Action, page 5, lines 12-15). The Examiner further suggests that combining Nelson with Sharood and

Weinstein would "be a tremendous savings in time for the customer" (see final Office Action, page 5, lines 16-18). Appellants do not understand how a combination of a refrigeration monitoring system, a voice communication system, and a subscriber notification system would necessarily result in "tremendous savings in time for the customer."

There is simply no motivation, found in the prior art, to combine the references of Sharood, Weinstein, and Nelson. Instead, it is obvious that the Examiner improperly used Appellants' claims as "guideposts" in selecting the references and simply concluded that it would be "obvious" to combine the references. In doing so, Appellants assert that the Examiner used impermissible hindsight in combining Sharood, Weinstein, and Nelson in order to support a rejection of Appellants' claims. As stated in MPEP § 2143.03, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination" (emphasis added). In this case, the prior art simply does not suggest the desirability of combining these three references.

Appellants assert that the Examiner fails to satisfy the burden set forth in MPEP §§ 706.02(j) and 2143.03 in support of an obviousness objection, particularly because there is no motivation to combine the references. Furthermore, the Examiner fails to explain how combining the refrigeration monitoring system of Sharood with the voice telephone communication of Weinstein with the automated notification system of Nelson would result in a workable solution without relying on Appellants' disclosure. Thus, Appellants contend that the Examiner used impermissible hindsight in rejecting Appellants' claims.

For the reasons set forth above, Appellants respectfully submit that claims 6-9, 11-13, 18-20, and 25-38 are not obvious, and are therefore patentable over Sharood in view of Weinstein and Nelson.

Appellants' Claims Are Non-Obvious And Are Therefore Patentable Over Sharood In View Of Weinstein And Further In View of Nelson

Independent claims 6, 11, and 18 each contain the following limitations:

- registering a home automation system with an email computer system, the registration including a network address corresponding to the home automation system;

- storing the home automation system's network address on a storage device accessible from the email computer system, the storing performed in response to the registering;

- scheduling the travel plans using a travel agent computer system;

- receiving the scheduled travel plans at the email computer system;

- retrieving the home automation system's network address from the storage location in response to the received travel plan message; and

- sending a home automation message from the email computer system to the home automation system network address, the home automation message resulting in an automated response performed by the home automation system.

Notwithstanding the fact that the Examiner used impermissible hindsight in selecting and combining the references used in rejecting Appellants' claims, the cited references simply do not teach or suggest each of Appellants' claimed limitations, as listed above. Sharood discloses a an automation system that allows a user to operate and monitor home appliances and systems from a remote location (col. 1, lines 34-40). Sharood further discloses that the system can monitor home appliances and systems and provide information to a monitoring facility or service provider (col. 1, lines 41-43). In the final Office Action (page 2, lines 24-26) the Examiner admits that Sharood does not disclose "registering a home automation system with an email computer system, the registration including a network address corresponding to the home automation system," as taught and claimed by Appellants. Appellants agree that Sharood does not teach or suggest "registering a home automation system with an email computer system," and so also can not teach or suggest "storing the home automation system's network address on a storage device accessible from the email computer system, the storing performed in response to the registering," or "retrieving the home automation system's network address from the storage location in response to the received travel plan message," as taught and claimed by Appellants. The Examiner further admits (in the final Office Action, page 2, lines 24-26) that Sharood does not disclose "scheduling the travel plans using a travel agent computer system," as taught and claimed by Appellants. Appellants agree that Sharood does not teach or suggest "scheduling the travel plans," and, as a result, also can not teach or suggest "receiving the scheduled travel plans at the email computer system," as taught and claimed by Appellants.

Appellants respectfully submit that Sharood does not teach or suggest "sending a home automation message from the email computer system to the home automation system network address, the home automation message resulting in an automated response performed by the home automation system," as taught and claimed by Appellants. The Examiner states that Sharood teaches a home automation control tool that allows an automation system to be controlled remotely, i.e. via the Internet (see final Office Action, page 2, lines 17-23). The Examiner then asserts that remote control over the Internet is somehow "suggesting email communications." Appellants strongly disagree. There is no teaching or suggestion in Sharood of "sending a home automation message from the email computer system to the home automation system network address," as taught and claimed by Appellants. The Examiner's assumption that controlling a system remotely necessarily suggests email communications is simply conclusory. The Examiner cites nothing in Sharood to support this statement.

The Examiner further cites Sharood at col. 3, line 58 through col. 4, line 60 (see final Office Action, page 2, line 21-23) as teaching a plurality of modes, including a vacation mode. Sharood does indeed teach a vacation mode that monitors home appliances for "unnatural" behavior (col. 16, lines 60-63). However, monitoring appliances for "unnatural" behavior is simply not the same as "*sending a home automation message* from the email computer system to the home automation system network address, the home automation message *resulting in an automated response performed by the home automation system*" (emphasis added), as taught and claimed by Appellants in independent claims 6, 11, and 18.

On page 3, lines 1-7 of the final Office Action, the Examiner cites Weinstein as disclosing registering a home automation system. Actually, the Examiner cites Weinstein as including a verification step that, according to the Examiner, somehow "implies" a prior registering step. The Examiner further contends that verifying that a target system is in the address book, "thereby obviously indicat[es] [the] 'registering' step of the target system prior to the verification step" (final Office Action, page 5, lines 19-24). Again, Appellants strongly disagree with the Examiner's conclusory assumption. The section of Weinstein cited by the Examiner, i.e. col. 9, lines 35-45, discloses the Homewires application checking to see if a targeted system is in its address book. There is absolutely no discussion in Weinstein regarding how a target system's address is entered into the address book. In fact, the only other time that Weinstein mentions an

address book is at col. 24, lines 28-30, where it is noted that a command management program provides address book management. Weinstein simply does not teach or suggest "registering a home automation system with an email computer system, the registration including a network address corresponding to the home automation system," as taught and claimed by Appellants. Verifying that an address is in an address book does not make it obvious to *register* a home automation system with an email computer system.

The Examiner cites Nelson as disclosing "automated notification of a customer, wherein a subscriber is notified by a travel agent computer system via an email about details and changes of his travel plans" (see final Office Action, page 5, lines 9-11). As discussed above, Nelson discloses notifying subscribers of a customer message manager notification system when particular real-time data has changed (see abstract). As noted by the Examiner, this notification may include notifying airline customers of changes in airline information which may affect their travel plans (col. 1, lines 35-40). The notification is performed using standard communications devices, such as pagers, two-way pagers, cellular telephones, and mobile computers (col. 1, lines 40-44). However, nothing in Nelson teaches or suggests "*scheduling the travel plans* using a travel agent computer system," or "*receiving the scheduled travel plans* at the email computer system," (emphasis added) as taught and claimed by Appellants. Nelson merely notifies subscribers of changes, and allows subscribers to send a "requested change" in response to receiving a notification (col. 2, lines 26-39).

For the reasons set forth above, Appellants respectfully submit that neither Sharood, nor Weinstein, nor Nelson, alone or in combination with each other, teaches or suggests the limitations in Appellants' independent claims 6, 11, and 18. Therefore, independent claims 6, 11, and 18, and the claims which depend from them, are patentable over Sharood in view of Weinstein and Nelson.

Notwithstanding the patentability of the claims discussed above, Appellants would also like to discuss dependent claim 26. Claim 26 depends from claim 8, which depends from independent claim 6. Claim 26 adds the limitations of:

- retrieving, at the home automation system, a profile that includes one or more home automation actions, wherein the retrieved profile corresponds to the identified command (the identified command is claimed in claim 8); and

- executing the actions included in the retrieved profile.

The Examiner addresses claim 26 in the final Office Action, on page 3, lines 24-36. Nowhere in this brief discussion of claims 8, 12, 19, and 26 does the Examiner even acknowledge the limitations found in claim 26. The Examiner does not address "retrieving . . . a *profile* that includes one or more home automation actions, wherein *the retrieved profile* corresponds to the identified command" (emphasis added), as taught and claimed by Appellants. Sharood does not teach or suggest such a profile, that includes home automation actions. Because Sharood does not teach or suggest such a profile, Sharood can not teach or suggest "executing the actions included in *the retrieved profile*" (emphasis added), as taught and claimed by Appellants.

For the reasons set forth above, Appellants respectfully submit that neither Sharood, nor Weinstein, nor Nelson, alone or in combination with each other, teaches or suggests the limitations in Appellants' dependent claim 26. Therefore, claim 26 is patentable over Sharood in view of Weinstein and Nelson.

Claim 38 Is Patentable Over Sharood In View Of Weinstein And Further In View of Nelson

Independent claim 38 includes the following limitations:

- registering a home automation system with an email system, the registering including a network address that corresponds to the home automation system;
- receiving, from a user, a travel request at a travel agent computer system;
- creating a travel plan at the travel agent computer system based upon the travel request;
- sending the travel plan from the travel agent computer system to the email system through a computer network;
- receiving the travel plan at the email system;
- sending a notification to the home automation system using the home automation system's network address using the computer network;

- receiving, at the home automation system, the notification from the email system; and

- performing an action at the home automation system, wherein the action is selected from the group consisting of activating the home automation system and deactivating the home automation system.

The arguments as stated above with regard to independent claims 6, 11, and 18 also apply to independent claim 38. As discussed above, the prior art does not teach or suggest "registering a home automation system with an email system, the registering including a network address that corresponds to the home automation system," as taught and claimed by Appellants. Further, as discussed above, nothing in the prior art, particularly in the prior art subscription/notification system of Nelson, teaches or suggests "receiving, from a user, a travel request at a travel agent computer system," "creating a travel plan at the travel agent computer system based upon the travel request," "sending the travel plan from the travel agent computer system to the email system through a computer network," or "receiving the travel plan at the email system," as taught and claimed by Appellants.

In addition, Appellants point out that independent claim 38 includes further limitations that are not found in any of the art cited by the Examiner. For example, independent claim 38 specifically claims "sending a notification to the home automation system using the home automation system's network address using the computer network," "receiving, at the home automation system, the notification from the email system," and "performing an action at the home automation system, wherein the action is selected from the group consisting of activating the home automation system and deactivating the home automation system." No such notification is taught or suggested by the prior art. A close reading of the prior art reveals no such notification being sent to a home automation system, resulting in activating or deactivating the home automation system.

Appellants respectfully submit that Sharood does not teach or suggest "sending a notification" or "receiving . . . the notification," as taught and claimed by Appellants. The Examiner states that Sharood teaches a home automation control tool that allows an automation system to be controlled remotely, i.e. via the Internet (see final Office Action, page 2, lines 17-23). The Examiner further cites Sharood at col. 3, line 58 through col. 4, line 60 (see final Office

Action, page 2, lines 21-23) as teaching a plurality of modes, including a vacation mode. Sharood does indeed teach a vacation mode that monitors home appliances for "unnatural" behavior (col. 16, lines 60-63). However, controlling appliances remotely and/or monitoring appliances for "unnatural" behavior is simply not the same as "*sending a notification to the home automation system . . .,*" or "*receiving, at the home automation system, the notification from the email system*" (emphasis added), as taught and claimed by Appellants in independent claim 38. Further, there is no teaching or suggestion in Sharood that the home automation system may be remotely activated or deactivated, as taught and claimed by Appellants. Rather, Sharood appears to be concerned with controlling and/or monitoring individual appliances, not activating and/or deactivating the home automation system itself.

For the reasons set forth above, Appellants respectfully submit that neither Sharood, nor Weinstein, nor Nelson, alone or in combination with each other, teaches or suggests the limitations in Appellants' independent claim 38. Therefore, independent claim 38 is patentable over Sharood, in view of Weinstein and Nelson.

Conclusion

For the foregoing reasons, Appellant submits that claims 6-8, 11-13, 18-20, 25-29, 31-33, and 35-38 are patentable over Sharood, in view of Weinstein and Nelson. Accordingly, Appellant respectfully requests that the Examiner's claim rejections be reversed and claims 6-8, 11-13, 18-20, 25-29, 31-33, and 35-38 be allowed.

Respectfully submitted,

By _____
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I. APPENDIX OF CLAIMS

6. A method of automatically setting a home automation system based upon a user's travel plans, the method comprising:

> registering a home automation system with an email computer system, the registration including a network address corresponding to the home automation system;
>
> storing the home automation system's network address on a storage device accessible from the email computer system, the storing performed in response to the registering;
>
> scheduling the travel plans using a travel agent computer system;
>
> receiving the scheduled travel plans at the email computer system;
>
> retrieving the home automation system's network address from the storage location in response to the received travel plan message; and
>
> sending a home automation message from the email computer system to the home automation system network address, the home automation message resulting in an automated response performed by the home automation system.

7. The method of claim 6 wherein the sending further comprises sending an electronic message from the email system to the home automation system.

8. The method of claim 6 further comprising:

> receiving the home automation message at the home automation system;
>
> identifying a home automation command in the home automation message; and
>
> setting a travel home automation environment in response to the home automation command.

9. The method of claim 6 wherein the sending includes transferring the message using a secure transmission protocol.

11. An information handling system comprising:

> one or more processors;
>
> a memory accessible by the processors;

a nonvolatile storage device accessible by the processors; and

a home automation control tool, the home automation control tool including:

means for registering a home automation system with an email computer system, the registration including a network address corresponding to the home automation system;

means for storing the home automation system's network address on a storage device accessible from the email computer system, the storing performed in response to the registering;

means for scheduling the travel plans using a travel agent computer system;

means for receiving the scheduled travel plans at the email computer system;

means for retrieving the home automation system's network address from the storage location in response to the received travel plan message; and

means for sending a home automation message from the email computer system to the home automation system network address, the home automation message resulting in an automated response performed by the home automation system.

12. The information handling system of claim 11 further comprising:

means for receiving the home automation message at the home automation system;

means for identifying a home automation command in the home automation message; and

means for setting a travel home automation environment in the home automation system in response to the home automation command.

13. The information handling system of claim 11 wherein the means for sending further comprises:

means for sending an electronic message from an email system to the home automation system.

18. A computer program product stored on a computer operable media, said computer program product comprising:

means for registering a home automation system with an email computer system, the registration including a network address corresponding to the home automation system;

means for storing the home automation system's network address on a storage device accessible from the email computer system, the storing performed in response to the registering;

means for scheduling the travel plans using a travel agent computer system;

means for receiving the scheduled travel plans at the email computer system;

means for retrieving the home automation system's network address from the storage location in response to the received travel plan message; and

means for sending a home automation message from the email computer system to the home automation system network address, the home automation message resulting in an automated response performed by the home automation system.

19. The computer program product of claim 18 further comprising:

means for receiving the home automation message at the home automation system;

means for identifying a home automation command in the home automation message; and

means for setting a travel home automation environment in the home automation system in response to the home automation command.

20. The computer program product of claim 18 wherein the means for sending further comprises:

means for sending an electronic message from an email system to the home automation system.

25. The computer implemented method of claim 6 further comprising:

authenticating the travel plan message received at the email system, wherein the sending of the home automation message is performed in response to successfully authenticating the travel plan message.

26. The computer implemented method of claim 8 further comprising:

retrieving, at the home automation system, a profile that includes one or more home automation actions, wherein the retrieved profile corresponds to the identified command; and

executing the actions included in the retrieved profile.

27. The computer implemented method of claim 6 further comprising:

receiving, from a user, a travel request at a travel agent computer system, the travel request including travel details corresponding to a user's travel schedule;

creating the travel plan message at the travel agent computer system, the travel plan message based upon the user's travel schedule; and

sending the travel plan message from the travel agent computer system to the email system.

28. The computer implemented method of claim 27 further comprising:

reading, at the travel agent computer center, a user profile corresponding to the user, wherein the user profile includes an email address corresponding to the email system.

29. The computer implemented method of claim 28 wherein the travel plan message is an email message and the sending further comprises:

transmitting the email message from the travel agent computer system to the email system using the email address corresponding to the email system.

30. The information handling system of claim 11 further wherein the means for sending includes means for transferring the message using a secure transmission protocol.

31. The information handling system of claim 11 further comprising:

means for authenticating the travel plan message received at the email system, wherein the sending of the home automation message is performed in response to successfully authenticating the travel plan message.

32. The information handling system of claim 11 further comprising:

means for receiving, from a user, a travel request at a travel agent computer system, the travel request including travel details corresponding to a user's travel schedule;

means for creating the travel plan message at the travel agent computer system, the travel plan message based upon the user's travel schedule;

means for sending the travel plan message from the travel agent computer system to the email system; and

means for reading, at the travel agent computer center, a user profile corresponding to the user, wherein the user profile includes an email address corresponding to the email system.

33. The information handling system of claim 32 wherein the travel plan message is an email message and the means for sending the travel plan message further comprises:

means for transmitting the email message from the travel agent computer system to the email system using the email address corresponding to the email system.

34. The computer program product of claim 18 wherein the means for sending includes means for transferring the message using a secure transmission protocol.

35. The computer program product of claim 18 further comprising:

means for authenticating the travel plan message received at the email system, wherein the sending of the home automation message is performed in response to successfully authenticating the travel plan message.

36. The computer program product of claim 18 further comprising:

means for receiving, from a user, a travel request at a travel agent computer system, the travel request including travel details corresponding to a user's travel schedule;

means for creating the travel plan message at the travel agent computer system, the travel plan message based upon the user's travel schedule;

means for sending the travel plan message from the travel agent computer system to the email system; and

means for reading, at the travel agent computer center, a user profile corresponding to the user, wherein the user profile includes an email address corresponding to the email system.

37. The computer program product of claim 36 wherein the travel plan message is an email message and the means for sending the travel plan message further comprises:

means for transmitting the email message from the travel agent computer system to the email system using the email address corresponding to the email system.

38. A method comprising:

registering a home automation system with an email system, the registering including a network address that corresponds to the home automation system;

receiving, from a user, a travel request at a travel agent computer system;

creating a travel plan at the travel agent computer system based upon the travel request;

sending the travel plan from the travel agent computer system to the email system through a computer network;

receiving the travel plan at the email system;

sending a notification to the home automation system using the home automation system's network address using the computer network;

receiving, at the home automation system, the notification from the email system; and

performing an action at the home automation system, wherein the action is selected from the group consisting of activating the home automation system and deactivating the home automation system.

J. EVIDENCE APPENDIX

Not applicable.

K. RELATED PROCEEDINGS APPENDIX

Not applicable.